

Sanctuary Advisory Council
Thirty-third Meeting
Tuesday, September 30, 2003
9:00 a.m. to 3:00 p.m.
Honolulu International Airport
Inter-island Conference Center, 7th Floor

FINAL MINUTES

Attendance

Council Members Present: Jim Coon, Liz Corbin, Bill Friedl, Walter Haas, June Harrigan Lum, Lou Herman, Becky Hommon, William Lennan, Richard McCarty, Naomi McIntosh, Patty Miller, Paul Nachtigall (in attendance for Committee of the Whole only), Jerry Norris, Terry O'Halloran, Sara Peck, Dick Poirier, Mike Stanton, Bob Wilson.

Council Alternates Present: Charles Ka'ai'ai (for Eric Kingma), Marc Lammers (for Paul Nachtigall), Sarah Malloy (for Margaret Akamine), Don Thornburg (for Teri Leicher), Dean Watase (for Glenn Soma).

Excused: Athline Clark, Nancy Daschbach, Eric Kingma, Jack Laufer, Teri Leicher, John Reghi, Robert Smith, Glenn Soma, Jeff Walters, Reg White.

Others Present:

HIHWNMS: Keeley Belva, Susan Bevacqua, Christine Brammer, David Mattila, Jean Souza.

PUBLIC: Kira Goetschius, Elia Herman, David Hoffman, Adam Pack, Terry Rice, Anne Rillero, Terry White.

Distributed Materials

- Final Agenda
- Draft Meeting Minutes (05/15/03)
- Meeting Action Items
- Sanctuary Manager's Report
- State Co-Manager's Report
- County Reports/Working Group Reports
- *Ka Leo O Ke Koholā* – HIHWNMS Sanctuary Newsletter
- *Historical Evidence of Whale/Vessel Collisions in Hawaiian Waters (1975-Present)*
- *Threats to Humpback Whales in Hawaiian Waters*
- SPLASH one-pager
- National Marine Sanctuaries Act
- Draft Pump-out Letter
- Vessel Collision Avoidance Workshop Draft Recommendations for Research, Conservation, and Education Committees

Call to Order

Sanctuary Advisory Council (Council) Chair, Jim Coon, called the meeting to order at 9:05 a.m. Mr. Coon thanked everyone for coming and thanked Bill Friedl for his efforts in supporting the Vessel Collision Avoidance Workshop. He announced that Bill Friedl will be chairing the Committee of the Whole and the meeting will start by breaking into committees to discuss recommendations from the Vessel Collision Avoidance Workshop.

Bill Friedl called the Committee of the Whole to order at 9:07 a.m. He explained that the committees will be meeting to discuss the Vessel Collision Avoidance Workshop recommendations that were given to the Council. The plan for today is to review, revise, prioritize, and further “flesh-out” the workshop recommendations. The Committee of the Whole will then reconvene at 10:50 a.m. and the regular session of the 33rd meeting of the Sanctuary Advisory Council will follow.

Patty Miller inquired as to what regulations are in place in the event that someone hits a whale. Naomi McIntosh responded by saying that reports are to be made to National Oceanic and Atmospheric Administration (NOAA) Fisheries, after which an investigation by the Office of Law Enforcement (OLE) would follow. Ms. Miller asked whether or not there were fines in place. Terry O’Halloran stated that the law states that one is in violation, but, to this point, leniency has been used concerning these matters. Bob Wilson echoed that NOAA OLE is looking for people that purposely hit a whale, versus accidental contacts. Jerry Norris asked if anyone would deliberately hit a whale. Bob Wilson responded by stating that they would be looking for people that were acting irresponsibly by approaching whales closely on purpose.

The Council then separated into committees and reconvened at 10:50 to give their reports:

Research Committee:

Marc Lammers reviewed the four objectives that should be considered.

- 1) Develop better reporting policies and archiving strategies of whale and vessel collisions.
 - Integrate necropsy and whale/vessel distribution data
 - Explore strategies of better reporting and data management
- 2) Research on demographics in different whale sub-habitats, both temporal and spatial.
- 3) Develop a better understanding of nocturnal occurrence, distribution, and behavior of whales (relation between groups of singers and other whale groups)
- 4) Keep abreast of new technologies to mitigate whale/vessel collisions (sonar and radar)

Education Committee:

Patty Miller reviewed the Education Committee's recommendations.

- 1) Define user groups.
- 2) Develop a packet of materials including a reporting form, which would be confidential. Explain that information would be used for scientific purposes. The packet will provide information on prevention of what boat operators can do to avoid whale/vessel interactions.
- 3) Offer training and information to user groups, with emphasis on encouraging the use of the data collection form. A video would support the training. A public service announcement would also be developed.

Conservation Committee:

Lou Herman reviewed the Conservation Committee's recommendations.

- 1) Standardized form for everyone (toll free number, website, form, etc.). Information would be used for data collection.
- 2) Pool information for a database
- 3) Enhance outreach channel.
- 4) Facilitator to work out more complex issues with interested parties.
- 5) Develop education program..."it's not your fault"
- 6) Add "intent to harass" into regulations.
- 7) Review 100-yard law and consider rewording...is there a problem?
- 8) Do study of approach regulations and consider modifying.
- 9) Possibility of different routes.
- 10) Survey to user groups about regulation.
- 11) Code of conduct (e.g., this is what you could do). The Ocean Tourism Coalition/User groups could possibly put together this information.

Jim Coon called the 33rd meeting of the Sanctuary Advisory Council to order at 11:15 a.m. Sara Peck began the meeting by taking roll. Jim Coon thanked everyone for arriving early to work with his or her respective committees.

Approval of Meeting Minutes

Becky Hommon requested that edits be made relating to how the Navy ships are referred to. Bill Lennan made a motion that the minutes from the 32nd Council meeting be approved including the edits made by Ms. Hommon. The motion carried unanimously.

Public Forum

Adam Pack, from Kewalo Basin Marine Mammal Laboratory, requested information on the FY04 research budget. He reminded everyone of the amount of time it takes to submit reasonable research proposals. Terry O'Halloran questioned whether the Council would see detailed budget information in order to be able to make recommendations based on funding. Dick Poirier, Program Committee Chair, stated that the committee in the past provided

recommendations on priority efforts the Council felt the Sanctuary should fund. Ms McIntosh stated that the program plans on being level-funded for FY04. What is reviewed on an annual basis by staff are essentially the Sanctuary's program funds, which are approximately \$200K out of \$1.3 million. Terry O'Halloran expressed that the Council should be able to review the budget in order to help prioritize. Jim Coon stated that this issue would be revisited at the Sanctuary Advisory Council retreat, which will be held this November. Liz Corbin asked to what level of detail federal funding is needed. Lou Herman asked for an explanation of what falls under programs. Ms McIntosh explained that program funds are costs that are not fixed.

Anne Rillero, Pacific Whale Foundation, announced that she was pleased to see the pump-out facility topic on the agenda. She stated that Carol She is hoping to have a pump-out station installed as soon as possible at Ma`alaea Harbor on Maui. She asked that the Council consider addressing this issue at the congressional level to help reauthorize the Clean Vessel Act of 1992.

Discussion on Reports and Updates

Council Chair:

Jim Coon thanked Council Members for their support and work related to the Vessel Collision Avoidance Workshop. The Action Items Status Report will be addressed in "Unfinished Business" (see attachment #1).

Sanctuary Manager:

Naomi McIntosh welcomed new representatives and staff members. She thanked Bill Friedl for his support and work on the Vessel Collision Avoidance Workshop. She discussed the change in the light refreshments that will be provided during Council meetings. Ms. McIntosh also submitted a written report (see attachment # 2).

Sanctuary Co-Manager:

Sanctuary Co-Manager, Dr. Jeffrey Walters, submitted a written report (see attachment # 3).

Hawai'i County:

Hawai'i County Representative, Sara Peck, indicated that her report would be provided at a later date.

Kaua'i County:

Kaua'i County Representative, Dr. Walter Haas, submitted a written report (see attachment #4). He also noted that he attended a meeting on fishing regulations on Kaua'i.

Honolulu County:

Bill Friedl, Honolulu County Representative, submitted a written report (see attachment # 5).

Maui County:

Richard McCarty, Maui County Representative, did not have anything to report this meeting.

Education Committee:

Patty Miller, Education Committee Chair, did not have anything to report this meeting.

Conservation Committee:

Dr. Louis Herman, Conservation Committee Chair, submitted a written report (see attachment #6).

Research Committee:

Paul Natchigall, Research Committee Chair, submitted a written report (see attachment #7).

Naturalist Training and Certification Working Group:

Teri Leicher, Working Group Chair, was not in attendance. Jean Souza, Kaua'i Sanctuary Liaison, stated that the Sanctuary recently hired an assistant on Kaua'i that will work on collecting information relating to Naturalist training programs in Hawai'i.

Logo Working Group:

Dick Poirier, Working Group Chair, submitted a written report (see attachment #8). Dick reviewed the report and discussed the logo sponsorship agreement. He also discussed the trademark licensing agreement. In conclusion, the Logo Working Group recommends that there should be a collaborative process that should be handled locally, in the interest of simplicity. A draft resolution has been submitted as part of this report.

Vessel Collision Working Group:

Bill Friedl, Working Group Chair, led a discussion during the Committee of the Whole earlier during the meeting.

Boater Outreach Working Group:

Reg White, Working Group Chair, did not have anything to report this meeting.

Discussion about Council Retreat in November

Mr. Coon announced that Terry O'Halloran will be the chair for the Retreat Planning Committee. Liz Corbin, Patty Miller, Dick Poirier, June Harrigan Lum, and Walter Haas volunteered to be members of this Committee. The Council would like to have a product that comes out of the retreat that could create a structure allowing them to be affective in advising and representing the community. The dates that are proposed are the afternoon of November 12th, all day on 13th, with a general Council meeting following the retreat on the 14th.

Break for Lunch

Unfinished Business

A) Letter regarding pump-out stations

Dr. Jeffrey Walters drafted a letter to address the issue of pump-out stations for Lahaina, Maui (see attachment #9), but was not in attendance at today's meeting. Anne Rillero from the Pacific Whale Foundation assisted with the letter. In his absence, Naomi McIntosh reviewed the draft letter. Ms. McIntosh noted that the letter should be directed to the Sanctuary management instead of Governor Lingle. However, the Council could recommend that the manager or co-manager send the letter to the Governor. A resolution could also be submitted. Proper procedure for transmitting the letter was discussed. June Harrigan Lum stated that other agencies be noted in the letter or receive the letter. Terry O'Halloran expressed concern that if the issue becomes too broad it will not be dealt with effectively. Jim Coon pointed out that there is a pump-out facility in Lahaina Harbor that is inaccessible to cruise ships. The main issue is accessibility; vessels must be able to access the pump-out station in a manner that makes it usable to the majority of the boaters. Jim Coon recommended that bigger issues be mentioned, but the focus should stay on small boat harbors, especially Ma'alaea. Jerry Norris discussed that this should be in the appropriations bill and if it is not then it should be redirected to address this. Jim Coon said that efforts should be on getting it in the appropriations bill. Jerry Norris stated that it should be in both bills.

Dick Poirier stated that a separate letter should be written to the congressional delegation. A question was raised as to how much the pump-out station would cost. Ms. Rillero stated that Carol She was looking into that and she read a portion of a letter that relates to the issue of responsibility of the pump-out station. Bill Lennan explained the terminology of "reimbursable expenses" as used in the letter to the Council.

Charles Ka'ai'ai asked whether we know that there is a degradation of the environment because this is happening. June Harrigan Lum addressed the issue as being a public health problem and stated that algal blooms are also a problem. There are instances in Hawai'i that have been both ecological and public health risks. There are places where the Department of Health is finding elevated bacteria counts in the water. Terry O'Halloran stated that the idea is that if pump-out stations are available then it may help the problem of illegal dumping. Jim Coon mentioned that it as much a fact of preventing negative exposure as anything else.

ACTION: A motion was made by Becky Hommon that the Council issue the pump-out station letter with the following proposed changes:

- To include copies being distributed to the entire congressional delegation

- In the second paragraph change “near shore environment” to “ocean” and change “critical” to “important”
- In the fourth paragraph delete “ground up” and change to “macerated”, and to change wording to say “to ensure continued federal funding for this valuable program”.

Dick Poirier seconded the motion and it carried unanimously.

B) Waste Water Systems of Cruise Ships

Terry O'Halloran mentioned the Memorandum of Understanding (MOU). Lou Herman asked if it was comparable to Alaska. June Harrigan Lum said that there was significant discussion of the issue at the Department of Health (DOH) and there is an agreement with the cruise ships that they will not discharge wastewater within four miles unless they can prove that doing so is not in violation of standards. More information is needed to understand how the wastewater discharge effects the environment. Jim Coon stated that it might be possible for the small passenger industry to help if they could be provided sampling kits and training or directions. He also asked if she would consider helping to put together a letter from the Council that would enhance what she is trying to do in regards to reinforcing monitoring. Ms. Harrigan Lum stated that if a draft were done, she would be happy to work with DOH staff to review it for accuracy. Mr. Coon also asked if Ms. Harrigan Lum would represent the Council on this issue at meetings. She stated that there is not a requirement for there to be public meetings held. She will keep the Council informed of what is going on. The Council will work with Ms. Harrigan Lum and send out a letter to address this. The intent of the letter would be to influence the content of the MOU. The letter should be addressed to the Director of DOH with a cc to the Northwest Cruise Association. Although this issue mirrors the Alaska issue, there are some different concerns for Hawai'i.

Ms. Harrigan Lum pointed out that the MOU covers 95% of the cruise ships operating in Hawaii. Of the 5% that are not covered, most are small cruise ships.

Dr. Walter Haas discussed the previous history of this issue at Council meetings and beyond. He stated that our concern should be with the smaller ships that the U.S. Coast Guard is not inspecting.

ACTION: The Conservation Committee will draft a letter requesting regular monitoring to include tests for water quality. The motion carried unanimously.

Bill Lennan asked Dean Watase, who represents the Department of Transportation, if cruise ships must ask permission to dock in Hawai'i. and couldn't it be made a condition that they must sign an MOU in order to do so.

C) Fish Farms

Jim Coon suggested referring the issue of fish farming back to the Conservation Committee for further review. Bill Lennan noted that there is not much information on the use of fish farms in Hawai'i. Marc Lammers stated that this issue was brought up because of the events in Kona. Kewalo Basin Marine Mammal Laboratory is researching this issue. June Harrigan Lum stated that at some point there will be a more obvious impact if the few companies that are proposing fish farming are successful, because then more and more will be proposed. No action will be taken at this time. This issue was referred back to the Conservation Committee.

New Business

A) Vessel Collision Workshop next steps

A New Vessel Collision Working group chair is needed. Both Jack Laufer and Reg White were key players in the Working group and would be ideal for this role, but neither are in attendance.

ACTION: Liz Corbin made a motion that the Sanctuary ask Jack Laufer and Reg White to co-chair the working group. Motion carried.

B) NMSA Reauthorization

Naomi McIntosh stated that the National Marine Sanctuaries Act (NMSA) will be reauthorized in 2004, Ms. McIntosh asked the Council to review the current NMSA and to give her their recommendations by December 20, 2003. The changes may be technical changes or pertain to policy or management. She suggested that there be a continued discussion during the next meeting. Dick Poirier volunteered to work on the NMSA Reauthorization.

Returning to the topic of the Vessel Collision Workshop, Lou Herman expressed that he believes we need to further address what the next steps are. Jim Coon explained that he had hoped to select a chair and task them with working on the recommendations. Committees can re-gather to work on the recommendations further. Lou Herman said that he was looking for a report on the workshop. Naomi McIntosh stated that the proceedings from the workshop are being compiled, but the Council can begin addressing the recommendations. Bill Friedl agreed with Dr. Herman that the proceedings should be made available whether they are in final form or not and should be completed. If he has support from the Council and the staff then he is willing to see this through to completion.

ACTION: Dr. Herman made a motion that he be given the support of the Sanctuary staff to complete the task and that Becky Hommon receives support from the Sanctuary staff to organize the committee recommendations. Patty Miller seconded the motion. The motion carried unanimously.

C) Resolution from Logo Working Group

Discussion included mention that the intent is to bring the issue to the local level so that ocean users can use the logo. Becky Hommon stated that there is really nothing difficult about the form as it currently is. She also had questions about the section on agencies that are in controversy or being investigated by the Sanctuary. Lou Herman said that he feels that the Council should not address this section and he thereby recommends that the next to the last paragraph be deleted from the resolution. Becky Hommon said that the Council should allow the implementation and then address the issue if there is problem.

Action: Lou Herman made an amendment to the motion that the next to the last ("Be it further resolved...") paragraph of the proposed resolution be removed. 8 votes were in favor. A quorum was not established, this motion did not pass.

Action: Dick Poirier made a motion to accept the resolution as written. 13 votes were in favor. Motion carried.

D) Budget

Action: Terry O'Halloran made a motion that the Council receives a copy of the annual operating budget by November 1st in order to review prior to the Council retreat. Motion carried.

Public Forum

Anne Rillero from Pacific Whale Foundation said that she had some education materials available for those interested.

Adam Pack volunteered to help out with the Vessel Collision Working Group, Terry O'Halloran said that he would also be available to coordinate.

Action: Patty Miller made a motion to replace the earlier motion that nominated Reg White and Jack Laufer as chairs of the committee and replace them with Mr. O'Halloran and Mr. Pack. The motion carried.

Announcements

Naomi McIntosh made a few announcements for Sara Peck:

- KAHEA is sponsoring, author, Ross Cline to travel around Hawai'i around October 12, 2003. He will be talking about cruise line practices and how to avoid problems in Hawai'i.
- During the week of October 21-29 Mark McCaffery of NOAA's Climatology group in Boulder, Colorado is holding meetings on Kauai, Oahu, Maui, and Hawai'i. They will explain the Coral Reef Information database (CoRIS) and take suggestions from agency, ocean users, educators to build a more useful website for all.

Sara will send the HIHWNMS staff more information on these topics and it will be forwarded to the Council.

Terry O'Halloran made mention of a meeting on Marine Protected Areas that will be held in San Francisco on November 17, 18, and 19, 2003. More information can be found at www.mpa.gov. This topic may be on the agenda.

Action: Dick Porier asked the Council to send a letter to Claire Cappelle, the former Maui County liaison, thanking her for her past service. The Council approved. It was also decided to send a letter to Amy Glester for her service as the Sanctuary Advisory Council Coordinator.

David Mattila gave a few updates on the funding for the SPLASH research project. David also just returned from working in American Samoa where he was working on a marine mammal survey of Samoa. He also mentioned that the Sanctuary would be getting three inflatable rescue boats.

Adjournment

Council Chair, Jim Coon, reviewed actions from the day's meeting and adjourned the meeting at 2:19 p.m.

ATTACHMENTS

Attachment # 1

Hawaiian Islands Humpback Whale National Marine Sanctuary SANCTUARY ADVISORY COUNCIL

SEPTEMBER 2003 SAC MEETING ACTION ITEMS Status Report

ACTION: The Council will write a letter in support of pump out stations in Lahaina, Maui.

STATUS: The letter has been drafted.

ACTION: The Council would like the Sanctuary to address the issue of sponsorship and use of the NMS logo.

STATUS: Naomi McIntosh provided information to Dick Porier, the chair of the Logo Working Group, on this topic. A report will be made to the Council by Dick during the SAC meeting.

ACTION: The Conservation Committee recommended that the Council draft a letter recommending that there be regular monitoring of the waste water systems of cruise ships.

STATUS: The minutes did not reflect that Council action was taken on this issue. Follow-up is needed.

ACTION: The Council suggested that a letter be written stating the Council's position on the use of Fish Farms.

STATUS: Further clarification on this topic is needed.

Attachment # 2

September 30, 2003

Hawaiian Islands Humpback Whale NMS Sanctuary Advisory Council Meeting

Sanctuary Managers Report

I. HIHWNMS Updates

Council Updates

COUNCIL SELECTION

The HIHWNMS is submitting its recommendations for the selection of new members for the Education, Research, Hawai'i County, Kaua'i County, Maui County, and O'ahu County Representatives seats to Dan Basta, Director of the NMSP for review and approval. The HIHWNMS is hoping to announce the new selections soon.

VESSEL COLLISION AVOIDANCE WORKSHOP

The Hawaiian Humpback Whale National Marine Sanctuary Advisory Council sponsored -- "A Workshop on Management Needs to Minimize Vessel Collisions with Whales in the Hawaiian Humpback Whale National Marine Sanctuary and other Marine Sanctuaries". The workshop was held on Maui, September 3-5, 2003 at the Outrigger/Marriott Wailea.

Twelve Council members participated in the three day workshop. A big mahalo to Margaret Akamine, Bill Friedl, Jim Coon, Walter Haas, Lou Herman, Eric Kingma, Jack Laufer, Paul Nachtigall, Terry O'Halloran Dick Poirier, Glen Soma, Reg White for their support.

Program Highlights

EDUCATION AND OUTREACH

Accomplishments

Sanctuary staff continued to build the Sanctuary's profile in education and outreach by participating in a wide diversity of activities. Efforts included developing new partnerships with Hawaii's local community, increasing the public's understanding of Hawaiian culture, preparing for next year's ocean count and hosting school visits at the Maui site.

- Naomi McIntosh, Sanctuary Manager, and Christine Brammer, Oahu Program Coordinator, met with Michael Takamura from NavComm and representatives from the Honolulu Advertiser to discuss possibilities for partnership opportunities for a new project that focuses on Ocean Literacy in Hawaii.

- Joylynn Oliveira, Hawaiian Cultural Educator, was a guest presenter at a training session for volunteers at the Hanauma Bay Education Center. Joylynn spoke to the volunteers about the Cultural Significance of Whales in Hawaii.
- The Oahu Sanctuary staff's Ocean Count team is working hard to prepare all project files and materials for next year's Sanctuary Ocean Count. In order to continually improve this large annual project that stations volunteers at over 65 shore based locations to count whales and record behaviors, the staff is developing a project management plan which will be used to guide the project in future years.
- Throughout the summer, the Maui site hosted various school group visits, including Wailuku Elementary School on Friday, June 20 for an education program that focused on whales and sea turtles. Fifty kindergarteners and fifty-first and second grade students participated in the program.

Upcoming Events

In February, the NMS Education Coordinators from DC and the other sanctuaries will be in Hawai'i for their semi-annual meeting. In conjunction with their meeting, NMS will be hosting an educators workshop on O'ahu featuring hands-on demonstrations and sharing curriculum from all sanctuaries and NWHICRER. Funding to allow the sponsorship of neighbor island educators to the workshop is being explored through a partnership with the Hawaii's Coastal Zone Management Program

RESEARCH

- *David spent most of the summer in New England training researchers from Hawaii, Mexico and Japan on field sampling techniques for the SPLASH project. The training also allowed the researchers to take part on cruises on the east coast as part of an assessment of Western North Atlantic humpback whales.*

While there, David assisted in the disentanglement of a female humpback whale named Tanith twenty miles off the New Hampshire coast on June 24th. The whale was entangled with a length of line through her mouth and baleen. A few hundred feet of line that had fishing gear attached was also trailing behind the whale. Her calf remained alongside her during the disentanglement response and was not involved in the entanglement. The disentanglement was made possible with the help of NOAA Fisheries aerial survey team, the US Coast Guard, the vessel Madhatter and the naturalists and researchers from the North Shore of Massachusetts, and the Hurricane II, a whale watch vessel that sighted the entangled whale.

ADMINISTRATION

Sanctuary staff also took part in a number of National Marine Sanctuary Program initiatives. During the summer, various Sanctuary staff met with consultant Francis Gilbert from Booz Allen Hamilton who is working on an assessment of the programs exhibit, display, and signage opportunities, Paul Wong attended and represented the Pacific Region of the NMSP at the National Marine Educator's conference in North Carolina and Naomi McIntosh attended a Leadership Team meeting in Boston, September 8 to 12.

Sanctuary staff also participated in various training opportunities that included the following:

- *Joylynn Oliviera attended the Pacific American Foundation Leadership Workshop this Saturday, July 26, 2003. The workshop is designed to help Pacific Islanders master leadership skills that will enhance their professional and personal growth as leaders of tomorrow. Joylynn received a grant sponsorship that helped fund her participation.*
- *Rhonda VanWingerden, Marine Educator, attended the Coral Reefs and Land-Based Pollution workshop on Monday, June 9. The purpose of this workshop was to improve the health of the coral reefs in selected ahupua'a by minimizing the effects from land-based pollution. The workshop had multiple sponsors (the Environmental Protection Agency, the Natural Resources Conservation Service, the National Oceanic and Atmospheric Administration, the Department of Health, and Coastal Zone Management).*
- Christine Brammer, O'ahu Program coordinator, attended a workshop on Native Hawaiian fishponds offered on O'ahu by the Pacific American Foundation. The workshop introduced curriculum that has been developed as part of Project Kahea Loko. Joylynn Oliveira, the Hawaiian Cultural Educator, previously attended the workshop, which was offered at the Maui Sanctuary site and she has also actively tested the curriculum. Jean Souza, Kauai Sanctuary liaison, also attended the workshop when it was held on Kaua'i. The information is valuable to the Sanctuary because there is a native Hawaiian fishpond adjacent to the Sanctuary site, which the Sanctuary teaches about and is helping to restore. The curriculum that the workshop provides is also excellent and could serve as a guide to creating new curriculum for the Sanctuary.
- Christine Brammer, Joylynn Oliveira, and Rhonda VanWingerden received a scholarship that funded their attendance for the "Training Tools for Non-Formals, Train the Trainer Workshop" which will be held this August in West Virginia at the National Conservation Training Center.

Other Whale News

NCCOS Helps Fisheries Investigate Unexplained Whale Deaths

NCCOS is helping NOAA Fisheries determine the cause of recent whale deaths off coastal Massachusetts near Georges Bank. Marine mammal experts from NOAA Fisheries, working closely with the Department of Fisheries and Oceans Canada, have documented the deaths of 12 endangered humpback whales, one pilot whale, and one fin whale in the area between June 17 and July 30. An international panel classified these deaths as an unusual mortality event. The Analytical Response Team of NOAA's Marine Biotoxins Program, located at the NOS Center for Coastal Environmental Health and Biomolecular Research Laboratory, is helping NOAA Fisheries analyze samples obtained from the dead whales and their prey. They will test for the presence of saxitoxins, one of the most potent naturally occurring toxins, which are produced from marine algae. In addition, the Monitoring and Event Response for Harmful Algal Blooms (MERHAB) program, part of the NOS Center for Sponsored Coastal Ocean Research, is supporting Woods Hole Oceanographic Institution researchers who are currently sampling plankton in the area. Through the efforts of both NCCOS centers, scientists may be able to determine if the whale deaths are related to harmful marine algal blooms. For more information on the MERHAB response, contact Marc.Suddleson@noaa.gov, ph. 301-713-3338 x162. For more information on the Marine Biotoxins Program response, contact Greg.Doucette@noaa.gov, ph. 843-762-8528.

Attachment # 3

September 23, 2003

MEMORANDUM

To: Sanctuary Advisory Council, Hawaiian Islands Humpback Whale National Marine Sanctuary

From: Jeff Walters, Sanctuary Co-Manager

Subject: Update from the Sanctuary Co-Manager for the period of April 29, 2003 through September 23, 2003 (Prepared for the September 30, 2003 Council meeting).

Recent Research Project Reports – Available from State Office

1. *Trends in Relative Distribution, Abundance and Population Composition of Humpback Whales, Megaptera novaeangliae, in Kawaihae Bay, Island of Hawaii, 1988 – 2003*, Christine Gabriele et al., Hawaii Marine Mammal Consortium. This project was administered by the state sanctuary office using contract funds from NOAA-NMSP. This report contains new information about humpbacks in the North Kohala area of the Big Island. The results include an increase in relative whale abundance in the area over the 15-year study period, from 7.1 whales per 6.5 km scan sample in 1988 to 19.9 whales per 6.5 km scan sample in 2003. Various possible reasons for the apparent large increase in abundance are discussed.

2. Results of 2003 Aerial Surveys of Humpback Whales North of Kauai, Joseph R. Mobley. This report was prepared for the North Pacific Acoustic Laboratory (NPAL) Program of Scripps Institution of Oceanography (formally known as the ATOC project). The study used aerial surveys and distance sampling methodology to estimate humpback whale and other cetacean abundance and distribution around the island of Kauai. The NPAL program proponents supported the study as part of their effort to monitor potential impacts to humpbacks and other species resulting from the underwater acoustic transmissions associated with their research project on ocean thermography. The results suggest that there was no significant effect of the NPAL acoustic source on marine mammals in the area.

Education and Outreach

Sanctuary Newsletter – The fourth issue of the newsletter was distributed in early September. This latest issue features improvements to the masthead as recommended by Council members and staff. The next issue, tentatively scheduled for a November distribution will feature the Maui site, with articles on the education center, volunteer program, and native Hawaiian planting project. A mid winter issue is tentatively set to feature the sanctuary's science and research activities. The mailing list continues to be revised and updated.

Site Posters – Apologies are extended for not yet mailing Council members their copies of the “new” site posters. This will be accomplished soon, with help from our new staff.

Hawaiian Cultural Uses Poster – The poster depicting traditional Hawaiian uses and practices that occur(red) in the sanctuary is nearing the final review stage. Mahalo to Council members who, at the May 2003 Council meeting, provided valuable feedback on an earlier draft of the poster.

Marine Mammal Public Service Announcements (PSA's)

With funds provided by NOAA-NMFS Marine Mammal Health and Stranding Response Program, the state sanctuary office is taking the lead in producing two PSA's advising the public about 1. what to do in case of a stranding or entanglement, and 2. guidelines for responsible marine mammal viewing, including compliance with the 100 yard approach rule. The 30-sec spots will air this fall and winter on KHON. They will also be available to visitor channels and any other interested party.

Boater Outreach Project

Thanks to helpful comments during the May 2003 Council meeting, a revised draft version of a “boat ramp sign” was created and sent to NOAA Office for Law Enforcement (OLE) and NOAA-NMFS Pacific Islands Regional Office (PIRO) for their review and approval. (This is the sign is intended to be a “regulatory” sign reminding boaters about the 100 yd approach rule.) NOAA Special Agent in Charge, John Reghi, of OLE responded that his office approves of the sign in its current form. We are looking forward to consulting with NOAA-NMFS-PIRO soon to get comments and approval. The next step is review and approval of the draft sign by NOAA-NMSP HQ. In a related development, the state office has been exploring options for producing a version of the sign in the form of stickers and placards in consultation with Council member and Boater Outreach Working Group Chair Reg White. This appears to be a relatively low cost option that would allow for some initial outreach to boaters, especially kayakers, while the process of finalizing and installing signage proceeds. Designing the most effective and attractive sticker/placard remains a challenge, so any input from the Council and the

Working Group is most welcomed. A draft version of the sticker will be distributed at the September 30, 2003 meeting.

Marine Mammal Strandings

In coordination with NOAA-NMFS-PIRO Protected Resources Division, and the not-for-profit Hawaiian Islands Stranding Response Group (HISRG), DLNR staff assisted in responding to several cetacean strandings and injured monk seal incidents over the reporting period (April 29 – September 23). These incidents included: A striped dolphin stranded on Maui on May 30 and was euthanized at the Maui Ocean Center the following day. A beaked whale stranded dead on the N. Kohala coast on July 17, and was disposed of at sea using a helicopter chartered by DLNR-DOFAW. On Kauai, a monk seal with a hook in its mouth was treated and released on May 14 and another seal with a fishing hook in its mouth was treated and released on Molokai on August 1. Two melon-headed whales stranded on August 19 on Oahu and were brought to holding facilities at Marine Corps Base Kaneohe. The heroic efforts of NMFS-PIRO staff, HISRG staff and volunteers provided the best conditions and treatment possible for the two male whales, but both animals eventually needed to be euthanized.

Hawaii Watchable Wildlife Program

This program, which is designed to develop a guidebook and signage system for safe and sustainable wildlife viewing around the state, was not able to accept a recent grant from the Hawaii Tourism Authority because of an unresolved transfer of copyrights for the "Watchable Wildlife" guidebook series. The project's proponents hope to resubmit their grant application to HTA as soon as this issue is resolved.

Program Administration

In late August, DLNR's federal services contract with NOAA-NMSP was modified to include the following new services: 1. Assist in the conservation of marine protected species by monitoring their populations and managing human interactions on Kauai (NOAA-NMFS funds, see Kauai Marine Conservation Coordinator position below); 2. Assist with coordinating research by permitted researchers for the SPLASH research project in Hawaii; and, 3. Assist with coordinating Whaling to Watching outreach project. These responsibilities are in addition to pre-existing responsibilities associated with sanctuary co-management, marine science and conservation, and establishing the sanctuary's new Kona office (see West Hawaii Marine Conservation Coordinator position below).

New Positions in the State Sanctuary Office

1. *Marine Conservation Specialist* - After finally obtaining all required government approvals, the position was advertised in early September. Interviews for top candidates will be held in early October. Barring any unforeseen delay, our much-awaited new state office staff person will be on the job by early November.
2. *West Hawaii Marine Conservation Coordinator* – This position has been referred to in previous discussions as the sanctuary's "Kona position." The National Marine Sanctuary Program has provided funds to DLNR via its federal services contract to establish and staff a sanctuary office in the Kona area of the Big Island. The position, officially titled West Hawaii Marine Conservation Coordinator, will be established as a state "temporary, civil service exempt" position (provides state benefits, but depends on annual appointment and funding availability) as soon as the Governor signs the approval memo that was transmitted to her office in late-July. Once the approval is obtained, the position will be filled as soon as possible. This will entail an internal DLNR search as

well as a public recruitment using ads in *West Hawaii Today* and the *Hawaii Tribune-Herald*. The Council will be notified via email as soon as the recruitment begins. On August 7, 2003, Naomi McIntosh and I met with several government and non-government members of the West Hawaii ocean management and user community about the desired background, qualifications and initial priority tasks for the position. The results of the meeting are summarized below.

Desired Qualifications: Ability to work effectively in Kona's diverse ocean-user community; self-starter/self-motivated; certified SCUBA diver; boat handling experience; familiarity with Kona coast boating and fishing regulations; position description should be less specific re years protected species conservation experience – emphasize general marine resource experience.

Initial Tasks: Work in collaboration with UH Sea Grant, DAR, SAC members, WHFMC, others (e.g., USCG Aux.); organize stranding response teams; plan and implement at least one E & O activity (e.g., beachside event); expand Ocean Count in East Hawaii; conduct marine conservation resource inventory; install display/bulletin boards for outreach to harbor and ramp users; assist Sea Grant and DAR with specific O&E, research and I&E tasks; provide monthly reports. Many in the group felt that the position responsibilities, especially stranding response, should cover the entire Big Island instead of just West Hawaii.

3. *Kauai Marine Conservation Coordinator* – This position will assist in monitoring and managing marine protected species around the island of Kauai. Funds supporting the position are being provided by NOAA-NMFS-PIRO. This job will primarily entail monitoring protected species populations and responding to strandings of monk seals, sea turtles and other protected species. Like the West Hawaii position, the administrative procedures are underway to establish this position as a state “temporary, civil-service exempt” position. Unlike the West Hawaii position, however, only one year's worth of funding is currently secured for this position. A dual DNLR internal search and public recruitment via the *Garden Isle* newspaper will be accomplished as soon as the Governor's approval is obtained. The Council will be notified via email as soon as the recruitment begins.

Meetings, Etc.

- I. April 29 – Met with Francis Gilbert, exhibitry consultant, re wayside and other signage opportunities for the sanctuary.
- II. May 7-9 – Attended sanctuary staff retreat.
- III. May 15 – Attended SAC meeting.
- IV. May 16 – Participated on selection committee in interviews for sanctuary manager position.
- V. June 3 – Held coordination meeting with Kauai Monk Seal Watch Program volunteers at Kauai Sanctuary office.
- VI. June 11-13 – Attended Western Pacific Regional Fisheries Management Council meeting; gave presentation on the draft Coral Reef Ecosystem Fishery Management Plan in capacity as chair of the Coral Reef Ecosystem Plan Team.
- VII. June 25 – Met with Michael Chambers of Pacific Ocean Ventures re proposal to construct submerged fish cage mariculture project off Olowalu, Maui.
- VIII. June 30 – July 18 – On vacation visiting relatives on the mainland.
- IX. July 23 – Attended meeting sponsored by Rep. Hermina Morita with various stake holder groups re past and future legislative measures to establish an MPA network in Hawaii.

- X. July 31 – Accompanied Naomi McIntosh and Paul Wong to Maui to meet with Maui staff and volunteers re replacing the irreplaceable Claire Cappelle, the outgoing Maui site manager.
- XI. August 6 – Joined DAR administrator and program managers in meeting with Dr. Sam Pooley, Acting Regional Administrator, NOAA-NMFS-PIRO re enhanced inter-agency coordination on protected species conservation efforts, e.g., incidental take permit application.
- XII. August 7 – Joined Naomi McIntosh in meeting with Big Island SAC members, DLNR staff and other stake holders re desired qualifications and initial tasks for the new Kona-based sanctuary staff member.
- XIII. August 8 – Attended meeting of the Board of Land and Natural Resources where the Conservation District Use Permit application by Kona Blue Water Farms for an offshore mariculture project was considered and approved with numerous conditions, and with details of the ocean lease TBD.
- XIV. August 13 – Attended multi-agency sponsored (DLNR, NOAA-NMFS, etc.) community meeting in Kaneohe re coral reef fisheries management issues and opportunities.
- XV. August 25 – Attended multi-agency meeting re marine zoning in the NWHI sponsored by the NWHI CRE Reserve.
- XVI. September 2 – 5 – Attended workshop on vessel-whale collisions sponsored by the sanctuary on Maui.
- XVII. September 18 – Met with KHON video production staff re marine mammal PSA's accompanied by David Nichols, NOAA-NMFS-PIRO.

cc: Peter T. Young, DLNR Chairperson
Ernest Y. W. Lau, DLNR Deputy Director
Francis Oishi, Acting DLNR-DAR Administrator
Naomi McIntosh, Sanctuary Manager

Attachment # 4

KAUA'I REPORT TO THE SAC
Prepared by Dr. Walter Haas
Meeting on 30 September 2003

TRAINING

In July, I attended the 5-day annual meeting of the American Veterinary Medical Association in Denver, Colorado. I participated in seminars on sea turtle injuries, marine mammal stranding, and veterinarians in aquatic conservation.

Kauai Liaison Jean Souza is enrolled in classes on Photoshop, PowerPoint and Excel.

We both attended the Vessel Collision Workshop on Maui.

OUTREACH

Two community events on the Island of Kauai in August/September have continued to boost the Kauai community's exposure to the HIHWNMS program, resulting in: Discussions with public school educators on collaborative projects; sign-up of Sanctuary volunteers for the 2004 Sanctuary Ocean Count; and

generation of interest in and support for the SPLASH research project; positive impressions with business and community leaders. The Kauai County Farm Bureau Fair, held on August 29-31 drew over 35,000 making it the island's largest community event. The First Annual Bougainvillea Festival on September 13 drew 1,500 over a nine-hour period. The festival is held in a community that serves as the operational base for many of the island's commercial tour boat operations, has a large recreational fishing population, and has a significant proportion of school students receiving public aid. The Sanctuary's activity booths at these events were staffed by Kauai Sanctuary Liaison Jean Souza with the assistance of 5 volunteers (4 volunteer days; 20 volunteer hours).

STAFFING

About one week ago, approval was finalized on a small contract for outreach and education assistance for the Kauai program. Longtime sanctuary volunteer Sheri Knapp of Lihue will be working on the following projects for the next year:

- * Sanctuary Ocean Count project.
- * Kauai Family Ocean Fair
- * Other education and outreach projects and other community events
- * Kauai Sanctuary Mailing list
- * Sanctuary volunteers and Kauai volunteer database
- * Inventory of naturalist and interpreter training opportunities in the State of Hawaii

OTHER

Work is continuing on planning for exhibits, displays and signage.

An on-site security assessment of the Lihue office was conducted by Homeland Security personnel.

Attachment # 5

Honolulu County Report
September 30, 2003
Chair, Bill Friedl

- I participated in Jeff Walter's meeting to discuss qualifications for the "Kona Position" at the CEROS office in Kona.
- I participated in the Maui workshop and am preparing a report for the SAC on the workshop.

Attachment # 6

Conservation Committee Report September 30, 2003 Chair, Lou Herman

At the May 2003 SAC meeting it was reported that, based on an informal poll by and of the Conservation Committee, ship strikes were considered a major threat to humpback whales in Hawaii.

During this reporting period, HHHWNMS hosted a workshop on September 3rd, 4th, and 5th, 2003 at the Outrigger Hotel at Wailea on the threat to humpback whales of ship strikes. Many SAC members were in attendance. Lou Herman and Elia Herman gave a joint presentation on "Social Groupings of Whales in Hawaii and Vulnerability to Ship Strikes." A copy of the written report was distributed at the conference, and is available as a PDF.

Research Alternate Marc Lammers, together with Adam Pack and Lisa Davis prepared a report on "Historical Evidence of Vessel/Whale collisions—1975 to present." The oral presentation was made by Dr. Pack.

The results of the Workshop, in the form of summaries and recommendations have been distributed to SAC members for their consideration at the September 30th meeting.

Attachment # 7



Research Committee Report September 30, 2003 Chair, Paul E. Nachtigall

The current Research Committee, as of the latest listing, is made up of the following members of the Sanctuary Advisory Council:

Paul Nachtigall – nachtiga@hawaii.edu
Bill Friedl - billf@ceros.org
Walter Haas – lihue.vet@verizon.net
June Harrigan- jharrigan@eha.health.state.hi.us
Allen Tom- allen.tom@noaa.gov
Louis Herman- lherman@hawaii.edu
Jeff Walters- jeffrey_s_walters@exec.state.hi.us
Naomi McIntosh – naomi.mcintosh@noaa.gov
Sally Beavers- sbeavers@hawaii.rr.com
Reg White- rawcohi@cs.com
Dick Poirier- rpoirier@dbedt.hawaii.gov
Richard McCarty- jamesrmccarty@aol.com
Marc Lammers- lammers@hawaii.edu

Additional members are welcome to join this committee, please contact the chair.

A number of committee members participated in the recent vessel-whale collision workshop held on Maui September 3-5 2003. The meeting was well attended by SAC

members who vigorously participated in the discussions. Several of the Research Committee members led by Bill Friedl organized the meeting in a special SAC subcommittee.

The Research Committee is pleased to hear of the success so far in planning the SPLASH program by the Scientific-Rescue Coordinator David Matilla and is looking forward to an upcoming meeting/report on the effort.

Attachment # 8

RESOLUTION REGARDING NOAA'S ISSUANCE OF NATIONAL MARINE SANCTUARY SYSTEM LOGOS

WHEREAS, NOAA has created, adopted, and published a logo symbol for the National Marine Sanctuaries program as authorized by law; and

WHEREAS, the Secretary of Commerce may authorize the use of a logo symbol by any person engaged in a collaborative or sponsored partnership effort which benefits the National Marine Sanctuaries Program; and

WHEREAS, the National Marine Sanctuary Foundation has been given authority to market the whale tail logo on behalf of the National Marine Sanctuary Program; and

WHEREAS, NOAA has adopted general policies and guidance to include the use of the National Marine Sanctuaries logo by third parties, providing that the application for the use of the logo be cleared through NOAA's Communications Division Chief and a licensing agreement be in place before such use is authorized; and

WHEREAS, because of the perceived complexity and uncertainty of the logo issuance process, no applications have been submitted from Hawaii for collaborative, non-sponsorship efforts thusfar; and

WHEREAS, it is in the best interest of both individual sanctuaries and the national marine sanctuary system to educate the public on an on-going basis about the National Marine Sanctuary Program by making available the whale tail logo ocean tourism providers; now therefore,

BE IT RESOLVED that the Hawaii Islands Humpback Whale National Marine Sanctuary (HIHWNMS) Advisory Council (SAC) recommends the following process whose purpose is to maximize use of the whale tale logo by Hawaii ocean tourism providers in the interest of actively promoting the Sanctuary and its purposes:

- 1) that the existing logo authorization process remain the same for those seeking use of the whale tail logo as official sponsor partners or the use of the logo involves the sale of merchandise, and

- 2) that a new logo authorization issuance process be implemented whereby the Sanctuary Manager, rather than the NOAA Communications Director, authorize the use of the logo by local ocean tourism providers who want to collaborate in educating the public on the Sanctuary, its purposes, and benefits, and
- 3) that the same logo application form, use guidelines, and trademark license agreement be used in granting local logo use except as noted below, and
- 4) that the logo issued by the Sanctuary manager be for a period of one year subject to renewal and
- 5) that the local logo user pay \$100 per initial use or renewal, the proceeds of which will be deposited in the National Marine Sanctuary Foundation HIHWNMS special account and used exclusively for research and education endeavors based upon recommendations submitted by the SAC.

BE IT FURTHER RESOLVED that the Hawaii Islands Humpback Whale National Marine Sanctuary Advisory Council recommends that the criteria on the use of the mark found in the existing guidelines regarding not granting logo use to an entity who is being investigated, in litigation, or otherwise involved in a current controversy at a Sanctuary be eliminated, inasmuch as that criteria is either overly discretionary if not arbitrary, in violation of the due process provision of the US Constitution, or not in keeping with the accepted democratic principle that one is innocent until proven guilty, and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Secretary of Commerce, the Director of the National Marine Sanctuary Program, the Director of the State of Hawaii Department of Land and Natural Resources, and all other National Marine Sanctuary managers and advisory councils.

Adopted by the Humpback Whale National Marine Sanctuary Advisory Council at its regular meeting of September 30, 2003, by a vote of (13 -3 -0).

Jim Coon, Chair

Attachment # 9

Honorable Linda Lingle
Governor, State of Hawaii
State Capitol
415 S. Beretania
Honolulu, HI 96813

Dear Governor Lingle:

As members of the Sanctuary Advisory Committee of the Hawaiian Islands Humpback Whale National Marine Sanctuary, we are respectfully requesting your leadership in establishing boat sewage pump-out facilities at Hawaii's harbors. We also request your assistance in implementing boater education campaigns to promote the use of existing and new pump-out facilities.

Dumping untreated human waste into the ocean runs contrary to state, federal and county efforts to protect Hawaii's ocean resources. In addition to providing critical habitat for endangered and threatened marine species such as whales and sea turtles, Hawaii's ocean environment is essential to our tourism industry, and of course, to our state's fishing industry. Furthermore, the quality of our ocean environment is important to the residents of Hawaii.

Currently, we are aware of only three small boat harbors that offer pump-out stations in Hawaii - Lahaina Small Boat Harbor, Nawiliwili Small Boat Harbor and Rainbow Bay Marina. Due to the absence of boater education programs promoting the use of pump-out stations, and problems encountered by boaters in accessing these facilities, these waste handling stations appear to be underutilized. For vessels operating out of harbors that lack pump-out facilities, the only choice is to dispose of their human waste/sewage at sea.

This sewage is comprised essentially of "ground up" human waste mixed with deodorizing and sanitizing chemicals. These chemicals can include formaldehyde, paraformaldehyde, ammonium chloride and zinc sulfate. Because marine heads (bathrooms on boats) use less liquid per flush than land-based toilets, the human waste mater is highly concentrated. It is unlike the effluent from our land-based primary sewage treatment facilities (from which solids are removed).

Vessels are required to dump their waste at least three miles from shore. For commercial operators of snorkel, dive or wildlife watching expeditions, who typically stay near shore to avoid rough seas or strong currents, it's unlikely that the distance from shore is much greater than three miles.

Many other states have taken advantage of the federal funding provided by the Clean Vessel Act of 1992, which recognized the need to protect our nation's waters from such dumping, and provided funds to the states for the construction, renovation, operation and

maintenance of pumpout stations and waste reception facilities. This act provided federal funding for 75% of allowed costs of such facilities. While the funding for this Act was renewed through 2003, it is unclear whether it will be extended into the future. We request that you, as Governor, push for renewed Federal funding of this valuable program.

However, regardless of whether Federal funding is available, we urge you to implement steps that will allow Hawaii to better protect our ocean waters. Specifically, we ask that you:

1. Provide direction and support for a pilot project pump-out program at Maui's Maalaea Harbor, where there are numerous commercial vessels, which carry passengers on snorkeling, whale-watching, fishing and other ocean tours. Because there is such a large group of high-profile commercial businesses operating here, it would be an ideal location for a pilot pump-out program. We understand that the U.S. Army Corps of Engineers intends to provide temporary pump-out facilities at Maalaea and we urge the State to work in cooperation with the Corps on this effort. Establishing this project as a "trial" pump-out station and a corresponding boater education campaign would allow the final permanent pump-out facilities to be designed for maximum usage and effectiveness.
2. Establish educational campaigns for boaters and harbor staff at harbors with existing pump-out stations to promote greater utilization of the pump-out facilities.
3. Survey boat operators to determine passenger loads and waste generation at Hawaii's other harbors to create a priority list for installation of additional pump-out facilities.

We thank you for considering our recommendations.

Sincerely,

JC